

18-703

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To: Judge Vasquez.

Fr: Levander Wade

July 4, 2022

Judge Vasquez,

I am writing this to explain what the standards for library are in Correctional Facilities and how the one I am currently being held in is so deficient based on its personal policy it is essence depriving me the right to access of court and the judicial system. The Monmouth County Correctional Institute is only allowing me an individual facing a possible death penalty case on average 1 hour a week. I have tens of thousands of pages of discovery and multi-hours of digital media and phone calls. It would be negligent to think that would suffice even if I was given the policy 2 hours a week in full. Be for I continue let explain how the law library is set up at this Facility. There are no automatics you have to put in a request to be able to go to the law library, they only call 12 people at a time on a unit of 66, so it would be rare for you to go bi-weekly. They have a computer on the unit as a substitute for access to the actual law library. Two problems with that, first you cannot view your discovery on this computer since you are not allowed to possess your discovery it's held in the library by the jail. The second is once again there are 66 inmates on the unit and 1 computer. Being that my life hinges on the outcome of this case I am going to be blunt. They have made accommodation for a Caucasian inmate here at the jail. He gets at least 8 hours a day to sit in a separate room and review his case. I am sure you are aware the state has no death penalty so he is definitely not in the same jeopardy that I am in yet he is being afforded the type of access I need to fight my case. Every time I grieve my legal matters here at the facility they either shift it on my attorney by saying they can request that I am afforded more time or that jail is in accordance with its policy and that's it. Yet as I said they went above and beyond for another inmate. The Supreme Court has stated the only justification for hindering a prisoner seeking access to the courts is a legitimate administrative concern. What that is a security risk of some type. Since I don't pose that I should be afforded all opportunity's available to me. The courts have frequently stated that prison administration was a function relegated to the executive branch of government, and for this reason the judiciary would interfere only where the wrongs committed by institution officials were of monumental proportions. What is more monumental to judiciary than a Life Sentence or Death Penalty?

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10A:6-2.4 Inmate law library

(a) Each correctional facility Administrator or designee shall be responsible for establishing and maintaining an inmate law library and for developing internal management procedures for library use and supervision. The procedures shall specify:

1. Law library hours;

(c) Inmates who so request shall be given access to the Inmate Law Library on a schedule which permits as many inmates as possible to use the library, depending on:

1. The resources of the adult county correctional facility;
2. The availability of space; and
3. Security considerations.

(f) In certain extreme instances and only with the approval of the adult county correctional facility Administrator, an inmate may be denied direct personal access to the Inmate Law Library. In such instances, the inmate shall receive legal reference materials and related services from assigned persons trained in the law.

"Law library" means a location where legal resources available, whether in physical or electronic media form, are maintained.

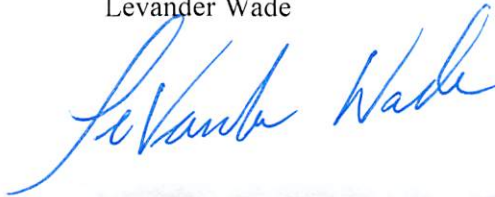
Bounds v. Smith opened the courtroom doors to prisoners in 1977 by requiring a meaningful access to the courts. The Bounds principle can be satisfied in various ways, and state legislatures and prison administrators were given “wide discretion” to select appropriate solutions from a range of complex options. The right that Bounds acknowledged was the right of access to the courts. To establish a Bounds violation, the “actual injury” that a prisoner must demonstrate is that the alleged shortcomings in the prison library or legal assistance program have hindered, or are presently hindering, his or her efforts to pursue a **non-frivolous** legal claim. 430 U.S. 817 (1977).

Prisoners have a right of access to the courts, State v. Jordan, 617 Fed. Appx. 153 (3rd Cir. 2015) citing Lewis v. Casey, 518 U.S. 343, 116 S. Ct. 2174, 135 L. Ed. 2d 606 (1996).

At this point the only thing I haven't made a claim of is the actual injury, however I am willing to make a claim of the potential injury and that is DEATH. With this being said I am going to close this out with if there is any other way you or Mr. Whipple would like to proceed in this matter please feel free to let me know and I will do what I must on this end. But we need to get something more done than what's happening now. Thank for your time and consideration.

Respectfully,

Levander Wade



Judge Vasquez:

The jail has installed video cameras directly behind the inmate's computer stations in the Inmate Law Library. There were already cameras located in the library that could view all inmates. There is no legitimate administrative concern for the installation of these additional cameras. The jail claims it is to stop inmates from watching porn that comes in with their discovery from their phone extractions. However, there was no security threat, and we believed that this was the jail's way of not having the officer on duty just do his job.* Now what has been brought to light is even more troubling and that is the fact that the jail is looking over the shoulders of inmates from a (remote location) while they research their discovery. And this was proven by an inmate receiving a charge for watching porn by a supervisor watching the camera from his office, then to be shown it was not porn but part of his case. Several other suspect events have happened like this one. It leaves us to believe that the prosecutors have this same access and can watch what we focus on and mirror our research to see why we are paying attention to particular parts of

our discovery. The placement of these cameras have no legitimate security value and only serves as another advantage the State/Federal can use against incarcerated defendants. I can back these assertions with credible proof.

Respectfully,

Lee Vander Wale

* DA:31-8.13 Electronic Surveillance

- A) Observation through electronic surveillance systems may be used to observe special risk inmates and to observe inmates during movement and other activities and only when approved by the adult County Correctional Facility Admin. Electronic Surveillance shall not ~~substitute~~ substitute for regular contact with staff members.*
- B) Electronic surveillance should be utilized in such a manner as to ~~not~~ avoid interference with the privacy of inmates whenever possible